



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

November 19, 2013

William A. Dunkelberger, Forest Supervisor  
Humboldt-Toiyabe National Forest  
1200 Franklin Way  
Sparks, NV 89431

Bernadette Lovato, District Manager  
BLM Carson City District  
5665 Morgan Mill Road  
Carson City, NV 89701

Subject: Draft Environmental Impact Statement for the Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment Project (Project), Alpine and Mono Counties, California; and Douglas, Esmeralda, Lyon, and Mineral Counties, Nevada. (CEQ# 20130246).

Dear Mr. Dunkelberger and Ms. Lovato:

The U.S. Environmental Protection Agency EPA has reviewed the Greater Sage-grouse Bi-state Distinct Population Segment Project pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our comments were also prepared under the authority of the provisions of the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act.

EPA supports the goal of refining strategies to conserve, enhance, and restore habitats to provide for the long-term viability of the Sage-grouse. We understand that the subject Draft Environmental Impact Statement is a programmatic analysis; therefore impacts from site-specific projects are not addressed in this document and will need further NEPA analyses. We recommend that the FEIS be clearly labeled as a Programmatic Final Environmental Impact Statement PFEIS. We also recommend that, when determining the appropriate level of NEPA analysis for site-specific projects, the National Forest Service and Bureau of Land Management obtain and consider the results of a Jurisdictional Determination by the U.S. Army Corps of Engineers to inform the assessment of whether or not a project will result in significant impacts, such as groundwater draw down and riparian loss, that would adversely affect the sage grouse during various stages of its life cycle.

We note that the use of pesticides is proposed (page: 70). We recommend that an assessment of the possible adverse impacts of pesticides, if any, to the sage-grouse and its habitat be included in the PFEIS. The assessment should discuss the location, type of pesticide, amount, and application method for pesticide use.



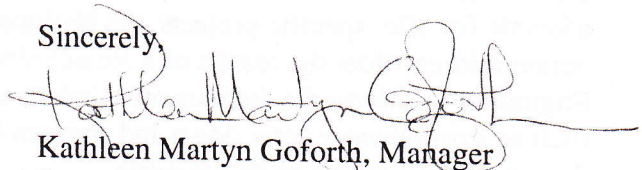
Page 1 of the Draft EIS states that the Fish and Wildlife Service has identified actions authorized on NFS lands and BLM public lands, such as "habitat modification," as "major threats to the Sage-grouse". EPA believes it is reasonable to anticipate that climate change will bring about change that may alter sage-grouse habitat. We encourage the NFS to include, in the PFEIS, an assessment of the cumulative impacts to sage-grouse habitat that can reasonably be expected to result from the type of projects expected to tier from this programmatic EIS in the context of climate change. For example, we recommend adding a discussion of the increased vulnerability of Sage-grouse under a reasonably anticipated climate change scenario, and an explanation of the projected shift of forest species to more suitable range elevations. The assessment should include measures to improve forest adaptation to climate change, such as the selection of certain species for replanting Sage-grouse habitat. Please note that Section 3 of Executive Order 13653 – "Preparing the United States for the Impacts of Climate Change" dated November 01, 2013, emphasizes that "agencies shall, where possible, focus on program and policy adjustments that promote the dual goals of greater climate resilience and carbon sequestration, or other reductions to the sources of climate change." For more info on the EO go to: <http://www.whitehouse.gov/the-press-office/2013/11/01/executive-order-preparing-united-states-impacts-climate-change>.

Page 20 of the DEIS states that the analysis framework for this project established that no critical environmental concerns are within the amendment area, and page 21 states that "the decision not to amend or to amend the land use plans does not ensure FWS action not to add (or to add) the Bi-state sage-grouse to the ESA list of threatened and endangered species". On October 28, 2013, the FWS proposed designation of critical habitat for the Greater Sage-grouse Bi-state Distinct Population. Also on October 28, 2013, the FWS proposed Threatened status for the Bi-State Distinct Population Segment of the Sage-Grouse. We recommend that the PFEIS reflect these status changes for the Sage-grouse and its habitat.

We have rated the DEIS as LO (Lack of Objections; see enclosed EPA Rating Definitions). Our rating is based on the Preferred Alternative, which would amend the forest plan to add protective measures for the Greater Sage-grouse Bi-state Distinct Population Segment.

We appreciate the opportunity to review the DEIS. When the PFEIS is released, please send one hard copy and one electronic copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or have your staff contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3852 or [munson.james@epa.gov](mailto:munson.james@epa.gov).

Sincerely,



Kathleen Martyn Goforth, Manager  
Environmental Review Office  
Communities and Ecosystems Division

Enclosure

cc: Jim Winfrey, Humboldt-Toiyabe National Forest



## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***Category "1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***Category "2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***Category "3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment